



**SEEGERWEISS<sub>LLP</sub>**

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September 28, 2015

**VIA ECF**

Hon. Matthew F. Kennelly  
United States District Judge  
United States District Court for the  
Northern District of Illinois  
Everett McKinley Dirksen  
United States Courthouse  
219 South Dearborn Street  
Chicago, IL 60604

***Re: In re Testosterone Replacement Therapy Prods. Liab. Litig.,  
Case No. 1:14-CV-01748  
MDL 2545***

Dear Judge Kennelly:

I write to update the Court on the parties' progress with the Androgel discovery/bellwether case-selection process, and to request a conference with the Court to further discuss the same. Earlier this month, in accordance with the Court's guidance, the parties randomly selected 100 cases from a broader pool of 471 AbbVie-only cases using a random number generator. Over the next several weeks, the PSC worked with PSC and non-PSC firms in an effort to secure *Lexecon* waivers from as many plaintiffs in the pool for which such waivers could be obtained. Today, the PSC advised AbbVie counsel that the PSC had secured *Lexecon* waivers for 99 of the 100 randomly-selected cases.

As the parties anticipate their respective selection of cases, mindful of the deadlines for this and the broader pretrial activities specified by CMO 14 (amended May 29, 2015, Docket No. 793), it is apparent to the PSC that the parties would benefit from the Court's further guidance concerning the contemplated process. Accordingly, the PSC respectfully requests a brief conference with the Court to ensure that the parties are proceeding in the manner contemplated by the Court. The PSC will make itself available at the Court's convenience to address the matter.

New York

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Of note, argument on the PSC's Motions for Supplemental Information on the Bellwether Case Pool, and to Compel Production of Deponent Personnel Files, is set for Thursday, October 1st, at 9:30 a.m. If the Court's calendar permits, perhaps the parties could address bellwether selection issues with the Court following argument on the scheduled motions.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Christopher A. Seeger". The signature is stylized with a large, sweeping loop at the end.

Christopher A Seeger  
Co-Lead Plaintiffs' Counsel

CAS\lfh

cc: All Counsel, via ECF